

Memorandum

To: Duane A. Goossen, Director of the Budget
Attn: Julie Thomas

From: J. Russell Jennings, Commissioner

A handwritten signature in black ink, appearing to read "J. Russell Jennings", is written over the printed name.

Date: January 26, 2010

Re: Fiscal Note for HB 2513

SUMMARY OF THE BILL'S PROVISIONS

HB 2513 defines a "runaway" and allows a law enforcement officer or court services officer to immediately place the runaway in a secure facility until a determination can be made whether the child is a child in need of care (CINC).

This bill amends K.S.A. 2009 Supp. 38-2231 and repeals the existing section.

IMPACT ON JUVENILE JUSTICE AUTHORITY OPERATIONS

The potential loss of federal Title II funding, and the requirement to use 50 percent of the remaining allocation to remedy the violation of federal law, would result in a decrease in the amount of funds granted to communities for juvenile delinquency prevention programs. A decrease in such programs could result in an increase in the number of youth who are adjudicated as a juvenile offender and placed in the custody of the Commissioner. This, in turn, would increase the number of youth being supervised by local Community Supervision Agencies (CSA) and potentially increase the number of youth placed in a juvenile correctional facility (JCF). Increases in CSA caseloads could negatively impact public safety as supervision officers would have less time to supervise youth. In addition, further increases in the JCF population without increases in staffing will result in unsafe conditions for youth and staff.

BUDGET IMPACT

The federal Juvenile Justice and Delinquency Prevention Act (JJDPa) provides that youth who commit "status offenses" shall not be placed in secure detention or correctional facilities (42

U.S.C. § 5633 (a)(11) 2006). Status offenses are acts that would not be offenses if committed by an adult. Running away is considered a status offense.

There is a provision in the law for rare situations when short-term secure custody of accused status offenders may be necessary. Regulations promulgated by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours, exclusive of weekends and legal holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and legal holidays, immediately following an initial court appearance. However, a law requiring all runaways be placed in a secure facility as standard practice is considered a rare situation.

If the State of Kansas is found out of compliance with Deinstitutionalization of Status Offenders (DSO), it could result in a reduction of at least 20% of its Title II formula grant under the JJDPA (42 U.S.C. § 5633 (c)(1) 2006). In addition, Kansas would be ineligible to receive any JJDPA allocation for the fiscal year in which the state was found to be out of compliance unless the state agrees to expend 50 percent of the amount allocated to Kansas for that year to achieve compliance. Currently, JJA receives \$600,000 annually from OJJDP. If HB 2513 is passed, JJA could lose a minimum of \$120,000 annually, and have \$240,000 of the remaining allocation dedicated towards the deinstitutionalization of status offenders.

If passed, this bill could also place significant burden on county government. In 2008, the KBI reported 1,607 juvenile arrests for runaways. Using the state rate for detention (\$120/day), the cost to counties for holding juveniles for one day is \$192,480 annually. It should be noted that most counties pay more than the state rate for detention services.

COMMENTS

Kansas currently has a statute in place (K.S.A. 38-2232) stating that a law enforcement officer, at their discretion, can deliver a child to a juvenile detention facility, designated by the court, where the child shall not be detained for more than 24 hours, excluding weekends and legal holidays.